

Rule 1, Ariz. R. Crim. P.

STATUTORY CONSTRUCTION: More specific statute controls over a general statute on the same subject.....Revised 11/2009

When construing a statute, the court's goal is to fulfill the intent of the legislature that wrote it. *State v. Peek*, 219 Ariz. 182, 184, 195 P.3d 641, 643 (2008); *State v. Jernigan*, 221 Ariz. 17, ¶ 9, 209 P.3d 153, 155 (App. 2009). The best and most reliable index of the legislature's intent is the statute's language and, when the language is clear and unequivocal, that language determines the statute's construction. *Deer Valley Unified Sch. Dist. No. 97 v. Houser*, 214 Ariz. 293, 296, ¶ 8, 152 P.3d 490, 493 (2007); *City of Phoenix v. Johnson*, 220 Ariz. 189, 191, ¶ 9, 204 P.3d 447, 449 (App. 2009). Therefore, if a court finds no ambiguity in the statute's language, the court must give effect to that language and may not employ other rules of construction to interpret the provision. *North Valley Emergency Specialists, L.L.C. v. Santana*, 208 Ariz. 301, 303, 93 P.3d 501, 503 (2004); *State v. Nelson*, 208 Ariz. 5, 7, ¶ 7, 90 P.3d 206, 208 (App. 2004), *citing Janson v. Christensen*, 167 Ariz. 470, 471, 808 P.2d 1222, 1223 (1991). Only if the legislative intent is not clear from the plain language of the statute do courts consider other factors such as the statute's context, subject matter, historical context, effects and consequences, and spirit and purpose. *Watson v. Apache County*, 218 Ariz. 512, 516, ¶ 17, 189 P.3d 1085, 1089 (App. 2008); *Sanderson Lincoln Mercury, Inc. v. Ford Motor Co.*, 205 Ariz. 202, 205, ¶ 11, 68 P.3d 428, 431 (App. 2003) *citing Wyatt v. Wehmueeller*, 167 Ariz. 281, 284, 806 P.2d 870, 873 (1991).

If a statute's meaning is less than clear, courts may use other rules of statutory construction. One such rule of statutory construction is that, when two statutes conflict, the more recent specific statute governs over the older, more general statute. *In re*

Estate of Winn, 214 Ariz. 149, 152, ¶ 16, 150 P.3d 236, 239 (2007); *Minjares v. State*, ___ Ariz. ___, 219 P.3d 264, ¶ 42 (App. 2009). For example, in *In re Estate of Winn*, the Arizona Supreme Court dealt with a conflict between a specific provision of the Adult Protective Services Act [APSA] and a more general provision in the Arizona probate code. It held that the APSA provision governed because it was more recent and while the probate code provision applied to all estates, the APSA provision applied to the administration of the estates of only a limited group of incapacitated or vulnerable adults. *In re Estate of Winn*, 214 Ariz. at 152, ¶ 16, 150 P.3d at 239.